

MS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG 22 AM 11:18

UNITED STATES OF AMERICA,

Magistrate Docket No.

Plaintiff,

08 MJ 2588

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

v.

COMPLAINT FOR VIOLATION OF:Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

)

Defendant

)

)

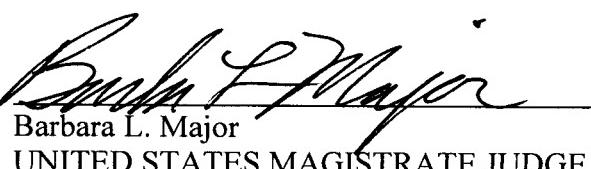
The undersigned complainant, being duly sworn, states:

On or about **August 21, 2008** within the Southern District of California, defendant, **Noel SANDOVAL-Aguilar**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

QDA
8/21/08
KMK

CONTINUATION OF COMPLAINT:
Noel SANDOVAL-Aguilar

PROBABLE CAUSE STATEMENT

On August 21, 2008, at approximately 4:00 a.m., Border Patrol Agents J. Cardenas and D. Avila responded to a seismic intrusion device Northeast of the Tecate, California Port of Entry. Upon arriving in the area, the Agents followed the footprints until they encountered a group of eight subjects attempting to hide in the brush. As Agent Cardenas approached the group and identified himself as a Border Patrol Agent, five of the subjects fled and three were apprehended. Agent Cardenas then conducted an immigration inspection on the three subjects including one of which was later identified as the defendant **Noel SANDOVAL-Aguilar**. All three subjects stated that they were from Mexico and not in possession of any immigration documents that would allow them to enter or remain in the United States legally. All three subjects were placed under arrest and transported to the Tecate, California Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on August 11, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights and he was willing to make a statement without a lawyer present. The defendant admitted to being a citizen and national of Mexico illegally present in the United States. The defendant admitted to making an illegal entry into the United States and that he had not received permission to re-enter the United States after being removed. He also stated his intended destination was Los Angeles, California.